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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

SCOTT GOODSELL,)		
Plaintiff,)	a	FILED
v.)	No. 17-171C	APR 1 9 2018
THE UNITED STATES,)	(Senior Judge Ho	dges) U.S. COURT OF FEDERAL CLAIMS
Defendant.	3		

DEFENDANT'S MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court issue an order protecting the Government from the depositions noticed by Mr. Goodsell for April 2018 in California.

On April 5, 2018, Mr. Goodsell served deposition notices requesting the deposition of John Paul Niega on April 20, 2018 in Reno, Nevada; the deposition of Royce Ng on April 24, 2018 in San Jose, California; the depositions of Rosalee Twombley and Zachary Gavriel on April 26, 2018 in San Jose, California; and the deposition of the United States pursuant to RCFC 30(b)(6) on April 30, 2018 in San Jose, California.

By letter dated April 9, 2018, we advised Mr. Goodsell that the requested deponents were not available at the times and locations specified; that any depositions of Government witnesses should be scheduled by mutual agreement; that Mr. Goodsell would not receive the Government's document production in advance of any April 2018 depositions; that the proposed locations for and travel time between depositions were inappropriate given the locations of the witnesses; and that the requested matters for examination in the RCFC 30(b)(6) deposition were not described with reasonable particularly and were more appropriately addressed through other discovery methods.

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We requested a response to our letter by no later than 5:00 p.m. EDT on April 13, 2018, confirming Mr. Goodsell's withdraw of the deposition notices, indicating whether he would prefer to proceed with depositions in the near term or await our document production, and identifying the specific written and oral communications about which he sought to inquire in the RCFC 30(b)(6) deposition. However, we did not hear from Mr. Goodsell by that deadline, and we have not received a response from Mr. Goodsell as of the date of this motion. Accordingly, out of an abundance of caution, we are filing this motion for a protective order, as our good faith efforts, as set forth above, to meet and confer have been unsuccessful.

For these reasons, we respectfully submit that good cause exists to issue a protective order, and respectfully request that the Court grant this motion and issue an order protecting the Government from the depositions noticed by Mr. Goodsell.

Respectfully submitted,

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Director

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Attorneys for Defendant

April 19, 2018

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this <u>yor</u> day of April, 2018, I caused to be placed in the United States mail (first-class, postage prepaid) a copy of "DEFENDANT'S MOTION FOR PROTECTIVE ORDER" addressed as follows:

Scott Goodsell 440 N. First Street, Suite 100 San Jose, CA 95112

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